

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
 Filed: March 14, 2025

MARIANNE SIMENETA,	*		PUBLISHED
	*		
Petitioner,	*		No. 18-859VV
	*		
v.	*		Special Master Nora Beth Dorsey
	*		
SECRETARY OF HEALTH	*		Damages Award; Pneumococcal Conjugate
AND HUMAN SERVICES,	*		("Pneumovax 23") Vaccine; Guillain-Barré
	*		Syndrome ("GBS").
Respondent.	*		
	*		

Michael Andrew London, Douglas & London, P.C., New York, NY, for Petitioner.
James Vincent Lopez, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION AWARDING DAMAGES BASED ON PROFFER¹

On June 18, 2018, Marianne Simeneta ("Petitioner") filed a petition for compensation under the National Vaccine Injury Compensation Program ("Vaccine Act" or "the Program"), 42 U.S.C. § 300aa-10 *et seq.* (2018).² Petitioner alleged that as a result of a pneumococcal conjugate vaccine ("Pneumovax 23") administered on August 1, 2015, she developed Guillain-Barré Syndrome ("GBS"). Petition at Preamble, ¶¶ 2, 4 (ECF No. 1). On October 31, 2024, the undersigned issued a ruling finding Petitioner entitled to compensation. Ruling on Entitlement dated Oct. 31, 2024 (ECF No. 150).

¹ Because this Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims' website and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2018). All citations in this Decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

On March 14, 2025, Respondent filed a Proffer on Award of Compensation (“Proffer”), attached hereto as Appendix A. In the Proffer, Respondent represented that Petitioner agrees with the proffered award. Proffer at 1-2. Based on the record as a whole, the undersigned finds that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the attached Proffer, the undersigned awards Petitioner:

- (1) A lump sum payment of \$195,480.00, representing \$195,000.00 in pain and suffering and \$480.00 in past unreimbursable expenses, to be paid through an ACH deposit to Petitioner’s counsel’s IOLTA account for prompt disbursement to Petitioner.**

Proffer at 1. This amount represents all elements of compensation to which Petitioner is entitled under § 15(a). Id.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of the Court **SHALL ENTER JUDGMENT** herewith.³

IT IS SO ORDERED.

s/Nora Beth Dorsey
Nora Beth Dorsey
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties’ joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

MARIANNE SIMENETA,

Petitioner,

V.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

No. 18-859V

Special Master Nora Beth Dorsey
ECF

RESPONDENT'S PROFFER OF DAMAGES

On June 18, 2018, Marianne Simeneta (“petitioner”) filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, *as amended*, 42 U.S.C. §§ 300aa-1 *et seq.* (“Vaccine Act”), alleging that she developed Guillain-Barre Syndrome (“GBS”) as a result of a pneumococcal conjugate (“Prevnar-13”) vaccine administered to her on August 1, 2015. Petition at Preamble. On April 1, 2019, respondent filed his Vaccine Rule 4(c) report setting forth his position that this case was not appropriate for compensation. ECF No. 13. On October 31, 2024, the Special Master issued a Ruling on Entitlement, finding that petitioner was entitled to vaccine compensation. ECF No. 150.¹

I. Items of Compensation

A. Pain and Suffering

Respondent proffers that petitioner should be awarded \$195,000.00 in pain and suffering.

See 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

¹ The parties have no objection to the amount of the proffered award of damages. However, respondent reserves his right, pursuant to 42 U.S.C. § 300aa-12(f), to seek review of the Special Master's October 31, 2024 Ruling on Entitlement, finding petitioner entitled to an award under the Vaccine Act. This right accrues following the issuance of the damages decision.

B. Past Unreimbursable Expenses

Evidence supplied by petitioner documents that she incurred past unreimbursable expenses related to her vaccine-related injury. Respondent proffers that petitioner should be awarded past unreimbursable expenses in the amount of \$480.00. *See* 42 U.S.C. § 300aa-15(a)(1)(B). Petitioner agrees.

These amounts represent all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment as described below and requests that the Special Master's decision and the Court's judgment award the following²: a lump sum payment of **\$195,480.00**, to be paid through an ACH deposit to petitioner's counsel's IOLTA account for prompt disbursement to petitioner.

III. Summary of Recommended Payments Following Judgment

Lump sum payable to petitioner, Marianne Simeneta:	\$195,480.00
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Respectfully submitted,

YAAKOV M. ROTH
Acting Assistant Attorney General

C. SALVATORE D'ALESSIO
Director
Torts Branch, Civil Division

² Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future lost earnings and future pain and suffering.

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

GABRIELLE M. FIELDING
Assistant Director
Torts Branch, Civil Division

s/ James V. Lopez
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